

REMARKS

Claims 17, 20-21, and 23-36 are pending in the application. Claims 1-16, 18-19, and 22 were previously canceled.

Rejections Under 35 U.S.C. §103(a)

Claims 17, 20-21, 24-31, and 34-36 are rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 4,055,317 to Greiss (hereinafter "Greiss") in view of United States Patent No. 2,854,307 to Londeree et al. (hereinafter "Londeree") and/or United States Patent No. 3,848,844 to Barrett (hereinafter "Barrett") in view of United States Patent Application Publication No. 2001/0016145 to Beck et al. (hereinafter "Beck").

The Examiner has asserted that Greiss discloses a galley on an aircraft with service trolleys. The Examiner also specifically acknowledges that Greiss does not disclose:

1. a wall having modules that are slideable on the wall,
2. slots on the wall,
3. runners on the back of the modules, or
4. lifting means.

Applicant respectfully submits that the galley of Greiss includes a multiplicity of modules which are suspended from the wall and fixed to the wall. The modules of Greiss cannot be moved up and/or down the wall and cannot be removed from the wall. Greiss further fails to disclose or suggest vertical guides and lifting means. As such, Greiss fails to disclose or suggest many key features recited in Applicant's independent claims 17, 30, 31, or 34.

In order to rectify the deficiencies of Greiss, the Examiner applies Londeree as disclosing a module, a wall, guides running in the vertical direction, mushroom shaped runners on the rear, and undercut slots that have a t-shaped form with the slot forming the leg and the area behind the slot forming the top part of the "T". The Examiner further alleges that lifting means are well-known. In the alternative, the Examiner applies Barrett as disclosing that the undercuts have "T"-shapes to allow the elements to slide in the slots. In yet another alternative, the Examiner applies Beck as disclosing a widened area on a slot.

Applicant respectfully submits that Londeree fails to disclose or suggest an undercut slot having a widened section such that an undercut runner can be inserted therein in the horizontal direction, as recited by Applicant's independent claims. Londeree fails to disclose modifying a cabinet C and the structure incorporated in the wall W for actuating and guiding the cabinet so as to allow removal of the kitchen cabinet C and replacement of the kitchen cabinet C be another module via a widened section. The brackets 46, 70 at the rear of the kitchen cabinet C of Londeree remain caught in the slots 26, 28. Londeree does not disclose an undercut slot having a widened section for inserting an undercut runner therein. Accordingly, even if the fixed food storage cabinets of Greiss were combined with the vertical sliding of Londeree, the resulting combination would not teach or suggest an undercut slot having a widened section such that an undercut runner can be inserted therein in the horizontal direction as presently claimed.

Applicant also respectfully submits that Barrett fails to disclose or suggest an undercut slot including a widened portion, as presently claimed. Barrett is directed to adjustable display shelves employed in commercial establishments for displaying merchandise to customers. Barrett has nothing to do with aircraft or train galleries. In addition, although Barrett discloses a vertical guide 20 with an undercut slot 24 receiving an undercut runner 34 of a bracket 28 for supporting a shelf, referring to column 8, lines 35-36 of Barrett, "the horizontally extending support brackets may be installed by engaging them at the end of support members and moving them fairly free of friction along the slot." In contrast, the presently claimed invention includes widened sections wherein the undercut runner can be inserted therein in the horizontal direction to hook into the respective undercut slots. Accordingly, engagement of Barrett occurs at the end of the support member as opposed to Applicant's system in which engagement occurs through the widened sections.

Applicant further respectfully submits that Beck relates to a mounting for poles for equestrian jumping. The mounting of Beck is provided with a dish-shaped pole receiver which is suspended on a vertical rail of a stand. The receiver and the rails are connected by a headed bolt which extends in a slot. The slots have a narrowed region having a width less than the diameter of the head of the bolt and have a second region through which the head of the bolt may be inserted. The poles are placed in the dish-shaped support so that if a horse jumping over

the jump hits the pole horizontally with its hooves, the pole will be moved out of the dish-shaped receiver and fall down.

Although the rail of Beck does have a widened section, Beck does not disclose undercut runners having a widened section such that an undercut runner can be inserted therein in the horizontal direction disposed on a multiplicity of modules, let alone a multiplicity of modules within an aircraft galley as recited in Applicant's independent claims. Applicant submits that the teachings of Beck are directed to an entirely dissimilar field as Applicant's invention. The fields of aircraft galley design and modules for use in aircraft and the field of equestrian jumping equipment are entirely unrelated. One skilled in the art would not consult the field of equestrian jumping equipment for designs pertaining to aircraft galleys.

Accordingly, Applicant submits that the combination of Greiss and Londeree and/or Barrett fails and Beck fails to disclose or suggest all of the claim limitations of Applicant's independent claims 17, 30, 31, or 34.

In addition to the aforementioned claimed elements which are not disclosed or suggested by Greiss, Londeree, Barrett, and Beck, there is no motivation to combine the teachings thereof. Obviousness of claims is based on underlying factual inquiries including (1) the scope and content of the prior art; (2) the differences between the claimed invention and the prior art; and (3) the level of ordinary skill in the relevant art. *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). To hold a claim as obvious over prior art requires an articulated reason or rationale to support the obviousness rejection. *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. ____, 82 USPQ2d 1385 (2007).

The Examiner asserts on pages 2-3 of the Office Action that "it would have been obvious to one skilled in the art at the time the invention was made to have used a module, wall, guides running in the vertical direction, mushroom shaped runners on the rear that can be hooked to the slots and undercut to the slots that are widened (this is where the runner can be inserted in the horizontal direction), and lifting means in Greiss' system as taught by Londeree et al and/or Barrett to accommodate the passengers. It would have been obvious to have used undercuts with T shapes in Greiss' system as taught by Londeree et al and/or Barrett to allow the modules to slide up and down the slots. Plus, an artisan would have used a widened section in at least one

undercut slot to allow undercut runners in the horizontal direction to hook into the respective undercut slot.” A *prima facie* case of obviousness has not been established since the required reasoning and rationale to support an assertion that independent claims 17, 30, 31, and 34 are obvious over the combination of Greiss, and/or Londeree and/or Barrett and/or Beck is lacking. None of the cited references suggests any motivation for combination, nor are the structures identified therein capable of combination. Further, it is insufficient rationale for the Examiner to merely state that “an artisan would have used a widened section in at least one undercut slot to allow undercut runners in the horizontal direction to hook into the respective undercut slot” without further authority.

The “key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious.” MPEP §2142. Furthermore, “rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” MPEP §2142; *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). Here, the assertion that the teachings of Greiss are combinable with Londeree and/or Barrett and/or Beck is based on impermissible hindsight reconstruction as there is no suggestion or disclosure of the complex redesign that would be required to make the structure of Greiss combinable with any of Londeree and/or Barrett and/or Beck.

It is further respectfully submitted that dependent claims 21 and 24-29 depend directly or indirectly from independent claim 17 and are believed patentable for the reasons stated herein.

Reconsideration and withdrawal of the rejection of claims 20-21, 24-31, and 34-36 under 35 U.S.C. §103(a) is respectfully requested.

Dependent claim 23 is further rejected under 35 U.S.C. §103(a) as being unpatentable over Greiss in view of Londeree and/or Barrett and Beck and further in view of United States Patent No. 6,454,208 to Nervig et al. (hereinafter “Nervig”). Specifically, the Examiner asserts that Nervig discloses a spindle with arms that move by internal screw thread. Dependent claim 23 depends directly from independent claim 17. Applicant submits that Nervig fails to rectify the deficiencies of the combination of Greiss and/or Londeree and Barrett and

Beck. Specifically, Applicant submits that Nervig fails to disclose or suggest at least one undercut slot including a widened portion such that an undercut runner can be inserted therein to hook into the respective undercut slot, as recited by independent claim 17. Accordingly, Applicant submits that neither Nervig, nor the combination of Greiss, Londeree, Barrett, Beck, and/or Nervig, teaches all of the limitations of claim 23. Reconsideration and withdrawal of the rejection of claim 23 under 35 U.S.C. §103(a) are respectfully requested.

Claims 32 and 33 are rejected under 35 U.S.C. §103(a) as being obvious over United States Patent No. 5,063,859 to Rader ("Rader") in view of Londeree and Beck. The Examiner contends that Rader discloses a train but is silent on the claimed modular galley. Rader discloses a specific train structure having a double-level car having an observation deck. Rader fails to disclose or suggest any form of modular galley, as recited by Applicant's independent claims. Rader further fails to disclose or suggest that the modular galley includes lifting means, as recited by Applicant's claims. Rader still further fails to disclose or suggest that the lifting means include undercut runners, as recited by Applicant's claims. Rader still further fails to disclose or suggest that the walls include an undercut slot having a widened section such that an undercut runner can be inserted therein in the horizontal direction to hook into the respective undercut slot, as also recited by Applicant's independent claims.

As discussed above, neither Londeree nor Beck rectify these deficiencies. Accordingly, Applicant submits that the combination of Rader and Londeree and/or Beck fails to disclose or suggest all of the claim limitations of Applicant's independent claims 32 or 33. Reconsideration and withdrawal of the rejection of claims 32 and 33 under 35 U.S.C. §103(a) is respectfully requested.

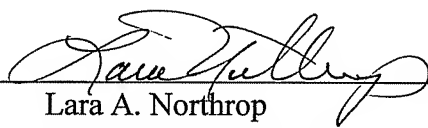
Appl. No. 10/521,724
Amdt. Dated: January 22, 2009
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Attorney Docket No. 0470-050128

Conclusion

Applicant submits that claims 17, 20-21, and 23-36 are patentable over the cited art of record. Reconsideration and withdrawal of the rejections are respectfully requested.

Respectfully submitted,

THE WEBB LAW FIRM

By 
Lara A. Northrop
Registration No. 55,502
Attorney for Applicant
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
Telephone: 412-471-8815
Facsimile: 412-471-4094
E-mail: webblaw@webblaw.com